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LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

EXAMINER	
BROWN, VERNAL U	
ART UNIT	**PAPER NUMBER**
2635	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/803,250	FEINBERG, PAUL H.	
	Examiner	Art Unit	
	Vernal U Brown	2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 September 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,7-10,12-22,24-27,29,31-39,41,42,45,49,50 and 52-56* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,7-10,12-22,24-27,29,31-39,41,42,45,49,50,52-56* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This action is responsive to communication filed on September 13, 2004.

Response to Amendment

The examiner has acknowledged the amendment of claims 1, 2, 4-5, 7-10, 12, 19, 21, 24, 26, 31, 35, 45, 49, 50, the cancellation of claims 6, 11, 23, 28, 30, 40, 43-44, 46-48, 51 and the addition of claims 52-56.

Response to Arguments

Applicant's arguments with respect to claims 1-5, 7-10, 12-22, 24-27, 29, 31-39,41-42, 45,49-50, and 52-56 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5, 7-12, 24-27, 29, 31-33, and 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snyder et al. U.S Patent 6361396 in view of Diamond et al. US Patent 5314336.

Regarding claims 1 and 9, Snyder et al. teaches an apparatus, comprising a mobile item (107) operable to be carried by a user, each item include tag circuit (109) operable to produce an answer electromagnetic in response to a query electromagnetic wave (col. 4 lines 2-15);

a toy including a query circuit (105) and an interaction circuit (215), the query circuit being operable to emit the query electromagnetic wave and receive the answer electromagnetic wave (col. 4 lines 25-28) and the interaction circuit being operable to select an output perceptible by the user based on the answer electromagnetic wave (col. 4 lines 63-66). Snyder et al. also teaches the outputs are user defined by programming the toy (col. 10 lines 34-36, col. 7 lines 3-6). Snyder et al. is however silent on teaching selecting a second output including one or more second words base one receiving a particular one or more of the answer electromagnetic wave and outputting the selected user defined output combined with the selected second output to form to form an intelligible phrase. Diamond et al. in an art related toy invention teaches toy providing an audio output upon detecting an optical symbol on an object (col. 1 line 65-col. 2 line 3). Diamond further teaches combining the different outputs of the detected symbols to form an intelligible phrase (col. 4 lines 56-62) in order to enable the toy to read and speak and provide educational stimulation to a child.

It would have been obvious to one of ordinary skill in the art to select a second output including one or more second words base one receiving a particular one or more of the answer electromagnetic wave and outputting the selected user defined output combined with the selected second output to form to form an intelligible phrase in Snyder et al. as evidenced by Diamond et al. because Snyder et al. suggests a toy providing a user perceivable output in the form of speech base on the reply signal and Diamond et al. teaches a toy proving combine response of the detected symbol and an associated words to form an intelligible phrase in order to enable the toy to read and speak and provide educational stimulation to a child.

Regarding claims 2-4, Snyder et al. teaches the interaction circuit produces an output perceptible to a user (col. 4 lines 28-31) and teaches a transducer (709) coupled to the output circuit (figure 7). Snyder et al. also teaches the outputs are user defined by programming the toy (col. 10 lines 34-36, col. 7 lines 3-6). Snyder et al. is however silent on teaching outputting the user-defined output combined with a second output and the output circuit includes audio transducers (709). Diamond et al. in an art related toy invention teaches toy providing an audio output upon detecting an optical symbol on an object (col. 1 line 65-col. 2 line 3). Diamond further teaches combining the different outputs of the detected symbols to form an intelligible phrase (col. 4 lines 56-62) in order to enable the toy to read and speak and provide educational stimulation to a child.

It would have been obvious to one of ordinary skill in the art to select a second output including one or more second words base one receiving a particular one or more of the answer electromagnetic wave and outputting the selected user defined output combined with the selected second output to form to form an intelligible phrase in Snyder et al. as evidenced by Diamond et al. because Snyder et al. suggests a toy providing a user perceivable output in the form of speech base on the reply signal and Diamond et al. teaches a toy proving combine response of the detected symbol and an associated words to form an intelligible phrase in order to enable the toy to read and speak and provide educational stimulation to a child.

Regarding claim 5, Snyder et al. teaches at least two mobile items (202-205) and the interaction circuit is operable to select at least one phrase from among a plurality of phrases based on the answer electromagnetic wave and the output transducer includes the audio

transducer, which is operable to produce an audible phrase corresponding to the selected phrase (col. 4 lines 25-31). Snyder et al. also teaches the outputs are user defined by programming the toy (col. 10 lines 34-36, col. 7 lines 3-6).

Regarding claims 7-8, Snyder et al. teaches the interaction circuit (215) is operable to receive the one or more first words of the user defined output from the user by the programming of the toy by the user (col. 6 lines 27-31, col. 7 lines 3-6) and the words are stored in look-up table (213) for retrieval by the interaction circuit (col. 4 lines 52-67).

Regarding claim 10, Snyder et al. teaches one or more tags (202, 203, 204) are disposed at respective physical location (figure 2) and the interaction circuit is operable to output a response based on the identified object (col. 4 lines 25-30). Snyder et al. also teaches the outputs are user defined by programming the toy (col. 6 lines 27-31, col. 7 lines 3-6).

Regarding claim 12, Snyder et al. teaches the object to be identified having a tag circuit (109) produce an answer electromagnetic having a frequency content that is different from others of the answer electromagnetic waves and the interaction circuit is operable to distinguish which one or more of the answer electromagnetic waves are received based on the frequency content (col. 4 lines 12-16). Snyder et al. also teaches a code that is different from others of the answer electromagnetic wave and the interaction circuit is operable to distinguish which of the answer electromagnetic wave is received (col. 4 lines 57-60).

Regarding claim 24, Snyder et al. teaches the interaction circuit is operable to receive one or more first words of the user defined output from the user (col. 6 lines 27-31, col. 7 lines 3-6) and store the user defined output in the look up table (213) and the select the output from stored user defined output (col. 4 lines 52-67).

Regarding claim 25, Snyder et al. teaches the interaction circuit is operable to associate the user defined output with one or more of the answer electromagnetic waves by the user selecting one or more of the object with the attached radio frequency tag (col. 4 lines 19-31).

Regarding claims 26 and 27, Snyder et al. teaches a method, comprising:
providing at least one mobile item operable to be carried by a user (col. 4 lines 22-25) and emit an answer electromagnetic wave in response to receiving a query electromagnetic wave (col. 7 lines 34-38);
providing a toy operable to emit the query electromagnetic wave and receive the answer electromagnetic wave(col. 7 lines 23-28); and selecting an output to issue from the toy that is perceptible by the user based on the answer electromagnetic wave (col. 4 lines 22-30). Snyder et al. further teaches simultaneously selecting a second output based on receiving a particular answer electromagnetic wave (col. 4 lines 38-46) and also teaches a transducer (709) coupled to the output circuit (figure 7). Snyder et al. is however silent on teaching simultaneously selecting a second output including one or more words and outputting in a user perceptible manner the selected user defined output combined with the second output to form an intelligible phrase. Diamond et al. in an art related toy invention teaches toy providing an audio output upon detecting an optical symbol on an object (col. 1 line 65-col. 2 line 3). Diamond further teaches combining the different outputs of the detected symbols to form an intelligible phrase (col. 4 lines 56-62) in order to enable the toy to read and speak and provide educational stimulation to a child.

It would have been obvious to one of ordinary skill in the art to select a second output including one or more second words base one receiving a particular one or more of the answer

electromagnetic wave and outputting the selected user defined output combined with the selected second output to form to form an intelligible phrase in Snyder et al. as evidenced by Diamond et al. because Snyder et al. suggests a toy providing a user perceivable output in the form of speech base on the reply signal and Diamond et al. teaches a toy proving combine response of the detected symbol and an associated words to form an intelligible phrase in order to enable the toy to read and speak and provide educational stimulation to a child.

Regarding claim 29, Snyder et al. teaches providing at least two mobile items each operable to produce a respective answer electromagnetic wave in response to a query electromagnetic wave; and selecting the at least one phrase based on which one or more of the answer electromagnetic waves are received (col. 4 lines 25-31). Snyder et al. further teaches simultaneously selecting a second output based on receiving a particular answer electromagnetic wave (col. 4 lines 38-46). Snyder et al. also teaches the outputs are user defined by programming the toy (col. 10 lines 34-36, col. 7 lines 3-6).

Regarding claim 31, Snyder et al. teaches receiving one or more first words of the user defined output from the user (col. 6 lines 27-31, col. 7 lines 3-6) and the words are stored in look-up table (213) for retrieval by the interaction circuit (col. 4 lines 52-67).

Regarding claim 32, Snyder et al. teaches specifying the one or more of the answer electromagnetic waves by selecting the mobile items (col. 4 lines 25-31).

Regarding claim 33, Snyder et al. teaches providing a plurality of radio frequency tags (figure 2) operable to produce respective answer electromagnetic wave in response to a query electromagnetic wave (col. 4 lines 2-15).

Regarding claims 49-50, Snyder et al. teaches receive the answer electromagnetic wave (col. 7 lines 23-28); and selecting an output to issue from the toy that is perceptible by the user based on the answer electromagnetic wave (col. 4 lines 22-30) but is silent on teaching the interaction circuit is operable to select a second output base on receiving the answer electromagnetic wave. Diamond et al. in an art related toy invention teaches toy providing an audio output upon detecting an optical symbol on an object (col. 1 line 65-col. 2 line 3). Diamond further teaches combining the different outputs of the detected symbols to form an intelligible phrase (col. 4 lines 56-62) in order to enable the toy to read and speak and provide educational stimulation to a child.

It would have been obvious to one of ordinary skill in the art to select a second output including one or more second words base one receiving a particular one or more of the answer electromagnetic wave and outputting the selected user defined output combined with the selected second output to form to form an intelligible phrase in Snyder et al. as evidenced by Diamond et al. because Snyder et al. suggests a toy providing a user perceivable output in the form of speech base on the reply signal and Diamond et al. teaches a toy proving combine response of the detected symbol and an associated words to form an intelligible phrase in order to enable the toy to read and speak and provide educational stimulation to a child.

Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snyder et al. U.S Patent 6361396 in view of Diamond et al. US Patent 5314336 and further in view of Karr U.S Patent 5661470.

Regarding claim 13, Snyder et al. in view of Diamond et al. teaches receiving electromagnetic wave transmitted (col. 9 lines 54-58) but is silent on teaching the interaction circuit is operable to store indication of the received answer electromagnetic wave. Karr in an art related Object Recognition System invention teaches the interaction circuit is operable to store indication of the received answer electromagnetic wave (col. 4 lines 20-25).

It would have been obvious to one of ordinary skill in the art for the interaction circuit is operable to store indication of the received answer electromagnetic wave in Snyder et al. in view of Diamond et al. as evidenced by Karr because Snyder et al. in view of Diamond et al. suggests receiving electromagnetic wave transmitted and Karr teaches storing the indication of the received electromagnetic wave to facilitate the processing of the received signal.

Regarding claim 14, Synder et al. in view of Diamond et al. teaches receiving the answer electromagnetic wave and using a table to identify the object (col. 4 lines 12-16) but is silent on teaching the interaction circuit is operable to store indication which are at least an index numbers. Karr in an art related Object Recognition System invention teaches the interaction circuit is operable to store indication of the received answer electromagnetic wave in a shift register (col. 4 lines 20-25). One skilled in the art recognizes the accessing of data in a shift register required the use of index numbers to identify the content of the shift registers.

It would have been obvious to one of ordinary skill in the art for the interaction circuit is operable to store indication that is at least an index numbers in Synder et al. in view of Diamond et al. as evidenced by Karr because Synder et al. in view of Diamond et al. suggests receiving the answer electromagnetic wave and using a table to identify the object and Karr teaches the interaction circuit is operable to store indication of the received answer electromagnetic wave in

a shift register and one skilled in the art recognizes the accessing of data in a shift register required the use of index numbers to identify the content of the shift registers.

Regarding claim 15, Synder et al. teaches interaction circuit being operable to select an output perceptible by the user based on the answer electromagnetic wave (col. 4 lines 63-66) and the output are defined by the user (col. 10 lines 34-36, col. 7 lines 3-6).

Regarding claim 16, Snyder et al. in view of Diamond et al. teaches detecting an object in proximity to the toy (col. 4 lines 25-27) but is silent on teaching the plurality of output includes characteristics that correspond to respective characteristics of the physical locations. Karr in an art related Object Recognition System invention teaches the plurality of output includes characteristics that correspond to respective characteristics of the physical locations (col. 2 lines 27-34).

It would have been obvious to one of ordinary skill in the art for the plurality of output includes characteristics that correspond to respective characteristics of the physical locations in Snyder et al. in view of Diamond et al. as evidenced by Karr because Snyder et al. in view of Diamond et al. suggests a toy outputting user defined phrase and Karr teaches the plurality of output includes characteristics that correspond to respective characteristics of the physical locations in order provide information pertinent to the users surrounding and preferences. .

Claims 17-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snyder et al. U.S Patent 6361396 in view of Diamond et al. US Patent 5314336 in view of Karr U.S Patent 5661470 and further in view of Pelekis U.S Patent 6380844.

Regarding claims 17-18 and 22, Snyder et al. in view of Diamond et al. in view of Karr teaches the plurality of output includes characteristics that correspond to respective

characteristics of the physical locations as discussed in the response to claim 16 but is silent on teaching plurality of outputs include characteristics that correspond to respective characteristics of the physical locations including the type of room. Pelekis in an art related invention in the same field of endeavor of interactive toys teaches the plurality of outputs include characteristics that correspond to respective characteristics of the physical locations including the type of room (col. 3 18-21).

It would have been obvious to one of ordinary skill in the art for the plurality of outputs include characteristics that correspond to respective characteristics of the physical locations including the type of room in Snyder et al. in view of Diamond et al. in view of Karr as evidenced by Pelekis because Snyder et al. in view of Diamond et al. in view of Karr teaches the plurality of output includes characteristics that correspond to respective characteristics of the physical locations and Pelekis teaches the plurality of outputs include characteristics that correspond to respective characteristics of the physical locations including the type of room.

Regarding claims 19-21, Snyder et al. teaches the interaction circuit produces an output perceptible to a user (col. 4 lines 28-31) and teaches a transducer (709) coupled to the output circuit (figure 7). Snyder et al. also teaches the outputs are user defined by programming the toy (col. 10 lines 34-36, col. 7 lines 3-6). Snyder et al. is however silent on teaching outputting the user-defined output combined with a second output and the output circuit includes audio transducers (709). Diamond et al. in an art related toy invention teaches a toy providing combine preprogrammed responses (figure 4) into a group of words based on a response from a user (col. 4 lines 50-67) in order to communicate complete informational messages to the user.

It would have been obvious to one of ordinary skill in the art to output the user-defined output combined with a second output in Snyder et al. as evidenced by Diamond et al. because Snyder et al. suggests a toy providing a user perceivable output in the form of speech base on the reply signal and Diamond et al. teaches a toy proving combine preprogrammed responses into a group of words based on a response from a user in order to communicate complete informational messages to the user.

Claims 34-36, 41-42, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snyder et al. U.S Patent 6361396 in view of Diamond et al. US Patent 5314336 and further in view of Pelekis U.S Patent 6380844.

Regarding claim 34, Snyder et al. in view of Diamond et al. teaches the plurality of output includes characteristics that correspond to respective characteristics of the physical locations as discussed in the response to claim 16 but is silent on teaching plurality of outputs include characteristics that correspond to respective characteristics of the physical locations including the type of room. Pelekis in an art related invention in the same field of endeavor of interactive toys teaches the plurality of outputs include characteristics that correspond to respective characteristics of the physical locations including the type of room (col. 3 18-21).

It would have been obvious to one of ordinary skill in the art for the plurality of outputs include characteristics that correspond to respective characteristics of the physical locations including the type of room in Snyder et al. in view of Diamond et al. as evidenced by Pelekis because Snyder et al. in view of Diamond et al. suggests the plurality of output includes characteristics that correspond to respective characteristics of the physical locations and Pelekis

teaches the plurality of outputs include characteristics that correspond to respective characteristics of the physical locations including the type of room.

Regarding claim 35, Snyder et al. teaches the radio frequency tag produces answer electromagnetic wave that is distinguishable from other s of the answer electromagnetic waves (col. 4 lines 25-31). Snyder et al. also teaches the outputs are user defined by programming the toy (col. 10 lines 34-36, col. 7 lines 3-6). Snyder et al. is however silent on teaching outputting the user-defined output combined with a second output and the output circuit includes audio transducers (709). Diamond et al. in an art related toy invention teaches toy providing an audio output upon detecting an optical symbol on an object (col. 1 line 65-col. 2 line 3). Diamond further teaches combining the different outputs of the detected symbols to form an intelligible phrase (col. 4 lines 56-62) in order to enable the toy to read and speak and provide educational stimulation to a child.

It would have been obvious to one of ordinary skill in the art to select a second output including one or more second words base one receiving a particular one or more of the answer electromagnetic wave and outputting the selected user defined output combined with the selected second output to form to form an intelligible phrase in Snyder et al. as evidenced by Diamond et al. because Snyder et al. suggests a toy providing a user perceivable output in the form of speech base on the reply signal and Diamond et al. teaches a toy proving combine response of the detected symbol and an associated words to form an intelligible phrase in order to enable the toy to read and speak and provide educational stimulation to a child.

Regarding claim 36, Snyder et al. teaches the object to be identified having a tag circuit (109) produce an answer electromagnetic having a frequency content that is different from others of the answer electromagnetic waves and the interaction circuit is operable to distinguish which one or more of the answer electromagnetic waves are received based on the frequency content (col. 4 lines 12-16). Snyder et al. also teaches a code that is different from others of the answer electromagnetic wave and the interaction circuit is operable to distinguish which of the answer electromagnetic wave is received (col. 4 lines 57-60).

Regarding claims 41-42 and 45, Snyder et al. in view of Diamond et al. teaches the plurality of output includes characteristics that correspond to respective characteristics of the physical locations as discussed in the response to claim 16 but is silent on teaching plurality of outputs include characteristics that correspond to respective characteristics of the physical locations including the type of room. Pelekis in an art related invention in the same field of endeavor of interactive toys teaches the plurality of outputs include characteristics that correspond to respective characteristics of the physical locations including the type of room (col. 3 18-21).

It would have been obvious to one of ordinary skill in the art for the plurality of outputs include characteristics that correspond to respective characteristics of the physical locations including the type of room in Snyder et al. in view of Diamond et al. as evidenced by Pelekis because Snyder et al. in view of Diamond et al. teaches the plurality of output includes characteristics that correspond to respective characteristics of the physical locations and Pelekis teaches the plurality of outputs include characteristics that correspond to respective characteristics of the physical locations including the type of room.

Claims 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snyder et al. U.S Patent 6361396 in view of Diamond et al. US Patent 5314336 in view of Pelekis U.S Patent 6380844 and further in view of Karr U.S Patent 5661470.

Regarding claim 37, Snyder et al. in view of Diamond et al. teaches receiving electromagnetic wave transmitted (col. 9 lines 54-58) but is silent on teaching the interaction circuit is operable to store indication of the received answer electromagnetic wave. Karr in an art related Object Recognition System invention teaches the interaction circuit is operable to store indication of the received answer electromagnetic wave (col. 4 lines 20-25).

It would have been obvious to one of ordinary skill in the art for the interaction circuit is operable to store indication of the received answer electromagnetic wave in Snyder et al. in view of Diamond et al. in view of Pelekis et al. as evidenced by Karr because Snyder et al. in view of Diamond et al. in view of Pelekis suggests receiving electromagnetic wave transmitted and Karr teaches storing the indication of the received electromagnetic wave to facilitate the processing of the received signal.

Regarding claims 38-39, Synder et al. in view of Diamond et al. teaches receiving the answer electromagnetic wave and using a table to identify the object (col. 4 lines 12-16) but is silent on teaching the interaction circuit is operable to store indication which are at least an index numbers. Karr in an art related Object Recognition System invention teaches the interaction circuit is operable to store indication of the received answer electromagnetic wave in a shift

register (col. 4 lines 20-25). One skilled in the art recognizes the accessing of data in a shift register required the use of index numbers to identify the content of the shift registers.

It would have been obvious to one of ordinary skill in the art for the interaction circuit is operable to store indication that is at least an index numbers in Synder et al. in view of Diamond et al. as evidenced by Karr because Synder et al. in view of Diamond et al. suggests receiving the answer electromagnetic wave and using a table to identify the object and Karr teaches the interaction circuit is operable to store indication of the received answer electromagnetic wave in a shift register and one skilled in the art recognizes the accessing of data in a shift register required the use of index numbers to identify the content of the shift registers.

Claims 52-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Diamond et al. US Patent 6361396 in view of Snyder et al. U.S Patent 6361396

Regarding claims 52-54, Diamond et al. teaches utilizing a toy to detect the presence of wireless signal by scanning the information coded on an object (col. 4 lines 9-12). Each code detected on the object is represented by a different signal (col. 4 lines 56-58) and therefore include a first and second signal. Diamond et al. further teaches selecting the output based on the received signal and combing the output in a user perceptible manner to form phrase (col. 4 lines 56-62). Diamond et al. teaches the output is controlled by a programmed microprocessor but is silent on teaching the toy is programmable by the user and therefore causing the output to be user defined. Synder et al. in an art related toy invention teaches identification system for use in a toy teaches a user defining the human perceptible output of the toy by programming the toy (col. 10 lines 34-36, col. 7 lines 3-6) in order to produce output that are associated to the user preferences.

It would have been obvious to one of ordinary skill in the art for the output to be user-defined in Diamond et al. as evidenced by Snyder et al. because Diamond et al. suggests the output is controlled by a programmed microprocessor and Synder et al. teaches defining the output phrase of a toy by programming the toy in order to produce output that are associated to the user preferences and further providing meaningful responses.

Regarding claims 55-56, Diamond et al. teaches outputting the words detected from the code that is read from the object (col. 4 lines 56-62). It is therefore implied that if the codes represented by the first or second signal is not received by the toy the toy will not output a phrase corresponding to the signal not received.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U Brown whose telephone number is 571-272-3060. The examiner can normally be reached on 8:30-7:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vernal Brown
January 9, 2005

MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600